

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 26-1196

BY REPRESENTATIVE(S) English and Joseph, Bacon, Nguyen;
also SENATOR(S) Benavidez, Cutter, Exum, Gonzales J., Jodeh, Kipp,
Coleman.

CONCERNING TENANT DATA INFORMATION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) Safe and stable housing is essential to the health, safety, and economic security of individuals and families in Colorado;

(b) Everyone has the right to fair treatment and transparency in housing, and affording tenants better opportunities to understand the information landlords access and the criteria used to grant or deny applications will reduce uncertainty, arbitrary denials, and discrimination;

(c) Landlords often rely on tenant screening processes that use prospective tenants' personal and financial data, while prospective tenants are not always informed about the type of information landlords review or

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

how it is used in decision-making;

(d) This imbalance of information can create confusion, limit meaningful access to housing, and contribute to inconsistent or unfair outcomes for tenants;

(e) Court records related to eviction proceedings can include sensitive personal identifying information and are often publicly accessible, meaning those records can expose tenants to identity theft, financial harm, and long-term barriers to accessing housing and economic stability; and

(f) The combination of the lack of transparency in tenant screenings and insufficient protections for personal identifying information in eviction proceedings create unnecessary barriers to housing and undermine public confidence in the fairness of the housing system.

(2) Therefore, the general assembly finds and declares that requiring landlords to provide transparency in tenant screening practices and to protect personal identifying information in eviction proceedings is essential to protecting the rights, privacy, and dignity of all renters in Colorado.

SECTION 2. In Colorado Revised Statutes, **add** 13-40-110.2 as follows:

13-40-110.2. Personal identifying information in eviction court filings - landlord's duties - definition.

(1) A LANDLORD SHALL COMPLY WITH APPLICABLE COURT RULES GOVERNING THE PROTECTION AND REDACTION OF PERSONAL IDENTIFYING INFORMATION IN EVICTION FILINGS.

(2) A LANDLORD SHALL REDACT PERSONAL IDENTIFYING INFORMATION FROM ANY SUPPORTING DOCUMENTS SUBMITTED TO A COURT THAT MAY BECOME PUBLICLY ACCESSIBLE. A LANDLORD MAY SUBMIT PERSONAL IDENTIFYING INFORMATION IN A CONFIDENTIAL MANNER CONSISTENT WITH JUDICIAL DEPARTMENT PROCEDURES IF A COURT REQUIRES SUCH INFORMATION.

(3) NOTHING IN THIS SECTION PROHIBITS A LANDLORD FROM INCLUDING PERSONAL IDENTIFYING INFORMATION EXPLICITLY REQUIRED BY

A COURT. ALL OTHER SUPPORTING DOCUMENTS SUBMITTED MUST COMPLY WITH SUBSECTION (2) OF THIS SECTION.

(4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "PERSONAL IDENTIFYING INFORMATION" INCLUDES A:

- (a) SOCIAL SECURITY NUMBER;
- (b) BIRTH DATE;
- (c) DRIVER'S LICENSE NUMBER;
- (d) STATE IDENTIFICATION NUMBER;
- (e) BANK ACCOUNT NUMBER;
- (f) CREDIT CARD NUMBER; AND
- (g) DEBIT CARD NUMBER.

SECTION 3. In Colorado Revised Statutes, 38-12-904, **add** (1.7) as follows:

38-12-904. Consideration of rental applications - limitations - portable tenant screening report - notice to prospective tenants - denial notice.

(1.7)(a) A LANDLORD SHALL INCLUDE IN ALL RENTAL APPLICATIONS:

(I) A NOTICE TO PROSPECTIVE TENANTS REGARDING THE INFORMATION AND DATA THE LANDLORD WILL ATTEMPT TO ACCESS WHEN CONDUCTING A TENANT SCREENING;

(II) A GENERAL DESCRIPTION OF THE FACTORS THE LANDLORD WILL CONSIDER WHEN EVALUATING A RENTAL APPLICATION, INCLUDING A PROSPECTIVE TENANT'S CREDIT HISTORY, RENTAL HISTORY, INCOME, AND CRIMINAL BACKGROUND, IF APPLICABLE; AND

(III) WHETHER THE LANDLORD USES A THIRD-PARTY TENANT SCREENING SERVICE, AND IF SO, THE NAME OF THE SERVICE.

(b) NOTHING IN THIS SUBSECTION (1.7) REQUIRES A LANDLORD TO ADOPT OR DISCLOSE FIXED DISQUALIFYING CRITERIA.

SECTION 4. Effective date. This act takes effect January 1, 2027.

SECTION 5. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for

the support and maintenance of the departments of the state and state institutions.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO